



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Patent Cooperation Treaty  
Legal Office

Address: Assistant Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

APR 7 2000

KNOBBE, MARTENS, OLSON, & BEAR, LLP  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660

|                                    |   |                       |
|------------------------------------|---|-----------------------|
| In re Application of               | : |                       |
| LJUNGSTROEM et al.                 | : | DECISION ON PAPERS    |
| Application No.: 09/380,412        | : | UNDER 37 CFR 1.42 and |
| PUT No.: PCT/DE98/00569            | : | 37 CFR 1.44           |
| Int. Filing Date: 26 February 1998 | : |                       |
| Priority Date: 28 February 1997    | : |                       |
| For: CORDLESS COMMUNICATION SYSTEM | : |                       |
| COMPATIBLE WITH A PUBLIC MOBILE    | : |                       |
| COMMUNICATION SYSTEM               | : |                       |

This is a response to the papers filed 19 January 2000 in Response to Notification of Missing Requirements which is being treated as a petition under 37 CFR 1.42 and 37 CFR 1.44.

On 26 February 1998, applicant filed the international application, which claimed a priority date of 28 February 1997. A proper Demand for international preliminary examination in which the United States was elected, was filed prior to the expiration of 19 months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at 30 August 1999 (28 August 1999 was a Saturday).

On 30 August 1999, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by: the requisite basic national fee, a copy of the international application, and a translation of the international application.

On 13 October 1999, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that oath or declaration executed by the inventor and the \$130.00 surcharge for filing after the thirty-month period were required and that the English translation of the international application was defective. The notification set a ONE (1) MONTH period for response.

In order to satisfy the requirements of 35 U.S.C. 371(c)(4), applicants filed on 19 January 2000, inter alia: an executed declaration signed by Patrick Ljunstroem, Walter Mohs and Edith Pernice as the "sole successor" of the deceased inventor; Freightner Pernice; a proof of authority of administrator, executor, or legal representative; an English translation of the certificate of heirship; a power of attorney and copy of assignment; and a two-month extension of time fee.

**DISCUSSION**

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 19 January 2000 is executed by Edith Pernice, as the "sole successor" of the deceased inventor, and by inventor Patrick Ljunstroem and Walter Mohs. The declaration is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into the national stage under 35 U.S.C. were completed as of 19 January 2000.

Further, a review of the papers submitted on 19 January 2000 reveals that they are sufficient to establish proof of authority under 37 CFR 1.44.

**CONCLUSION**


The papers filed under 37 CFR 1.42 and 37 CFR 1.44 are ACCEPTED.

The application has an international filing date of 26 February 1998, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of **19 January 2000**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.



Leonard E. Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Petitions Attorney  
PCT Legal Office  
Tel: (703) 308-6314  
Fax: (703) 308-6459